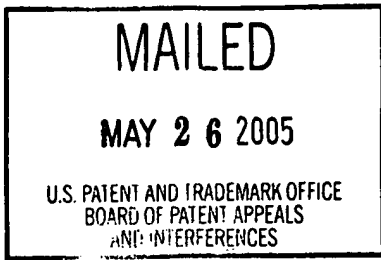


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DANIEL A. JAPUNTICH, VAUGHN B. GRANNIS,
HAROLD J. SEPPALA and ANTHONY B. FERGUSON

Application No. 09/837,714

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on March 1, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

1. On July 2, 2002, appellants filed six affidavits/declarations from copending application Serial No. 08/240,877, of which the present application is a continuation. One of the affidavits is authored by a Brian S. McGinley. Although the examiner comments on the other affidavits in all three of his subsequent Office actions, there is no indication of record in the file that the affidavit of Mr. McGinley has been considered. Correction and/or clarification is required.

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2. As noted above, this application was received at the BPAI on March 1, 2005. A review of the electronic file reveals that appellants have since filed four Information Disclosure Statements (IDSs) (March 2, March 25, April 7 and May 3, 2005). As the file is currently charged to the BPAI, the examiner has not had a chance to officially consider the IDSs.

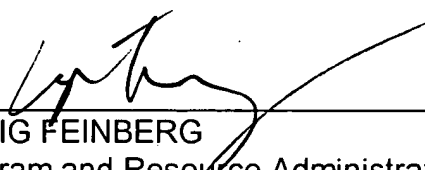
Accordingly, it is

ORDERED that the application is being returned to the Examiner for

- a.) clarification/consideration of the McGinley affidavit, and notification to appellants in writing of such consideration if needed,
- b.) consideration of the four IDSs mentioned above, and
- c.) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


CRAIG FEINBERG
Program and Resource Administrator
(571) 272-9797

CF/vsh

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cc: 3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427